

No. 03-1084

Before MURPHY, HEANEY, and BEAM, Circuit Judges.

PER CURIAM.

On November 20, 2001, Phillip Smith brought this action under 42 U.S.C. § 1983, alleging an unlawful deprivation of property seized during a November 21, 1991 search of his residence. The district court¹ granted the defendants' motions for summary judgment, holding that Smith's claims accrued on the date of the seizure and were therefore barred by Missouri's five year statute of limitations. On appeal, Smith does not contest the applicability of the five year limitations period, but argues that his claim did not accrue until November 22, 1996. That was the date when the government would no longer have been able to initiate a criminal prosecution based on the seized evidence. See 18 U.S.C. § 3282. We conclude, however, that Smith's claim accrued on November 21, 1991, and we affirm on the basis of the well-reasoned opinion of the district court. See 8th Cir. R. 47B.

¹The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.